IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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F.A.O. No.3338 of 2007
Date of Decision:24.08.2007

The Oriental Insurance Company Limited .....Appellant

Vs.

Bhangi Ram and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. D.P.Gupta, Advocate for the appellant.

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In this appeal filed by the Insurance Company, challenge is to the award of the Motor Accident Claims Tribunal, Ambala (for short, `the Tribunal') whereby on account of death of their son, aged 28 years, old parents have been granted a sum of Rs. 98,000/- as compensation.

Learned counsel for the appellant contended that the case in hand is a story concocted just for the purpose of claiming compensation on account of death of Mohan Lal as the accident had not taken place with the vehicle in question. The Tribunal, while considering these very submissions made by the Insurance Company, on the basis of the evidence on record, had held that keeping in view the evidence of Head Constable, Raj Kumar (PW2), contents of the FIR and order Ex.P.69/A, involvement of the motor cycle in question was proved beyond doubt. As in rebuttal, the appellant did not lead any evidence to dislodge the claim made by the respondents- claimants and the motor cycle in question was admittedly insured with the appellant- company and accordingly, it was made liable to pay the compensation. Keeping in view this evidence on record, the contention of learned counsel for the appellant, to the effect that motor cycle owned by brother of the deceased was planted in the accident as otherwise the same was not involved, cannot be accepted. As after the FIR registered, the motor cycle in question was also impounded and was later on released on superdari to its real owner, namely, Madan Lal.

Accordingly, I do not find any merit in the present appeal.

Dismissed.

August 24, 2007 **(RAJESH BINDAL)**
renu **JUDGE**